

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**JERRY LEE LEWIS, JUDITH LEWIS  
AND JERRY LEE LEWIS, III**

**PLAINTIFFS**

**v.**

**CIVIL ACTION NO. 3:17CV180-NBB-RP**

**HOWARD EZEKIEL LOFTIN, et al.**

**DEFENDANTS**

**ORDER GRANTING MOTION FOR RULE 35 EXAM OF  
PHOEBE LEWIS-LOFTIN AND EZEKIEL ASA LOFTIN XII**

Plaintiffs seek to conduct a Rule 35 examination of Phoebe Lewis-Loftin and Ezekiel Asa Loftin XII relating to their claims for intentional and negligent infliction of emotional distress. Docket 178. The court has reviewed the motion and brief, defendants' response, and held a teleconference with the parties.

Rule 35 allows a court to "order a party whose mental or physical condition . . . is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner." After reviewing the motion and briefs, and conducting a conference with the parties, the court concludes that defendants' claims of emotional distress are such that a Rule 35 examination is warranted. Therefore, plaintiff's Motion for Rule 35 exam of Pheobe Lewis-Loftin and Ezekiel Asa Loftin XII is GRANTED.

The parties have agreed, and the court orders, that the examinations will be conducted by Dr. Timothy Barclay at Advanced Psychotherapeutics, 1047 Vista Park Drive, Suite A, Forest, VA 24551 in the manner, conditions and scope set forth in the Motion for Examination. The examination of Phoebe Lewis Loftin will be conducted on December 4, 2018 at 2:00 p.m. and

the examination of Ezekiel Asa Loftin XII will be conducted on Wednesday, December 5, 2018  
at 2:00 p.m.

Accordingly, it is

ORDERED

that the Motion for Rule 35 exam of Phoebe Lewis-Loftin and Ezekiel Asa Loftin XII is  
GRANTED.

SO ORDERED, this, the 25<sup>th</sup> day of October, 2018.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE